

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MINNESOTA LIFE INSURANCE COMPANY
400 Robert Street North
St. Paul, MN 55101-2098

Plaintiff,

v.

LAURA REARDON GREEN
233 Champlain Avenue
Wilmington, DE 19804

and

SHIRLEY MANSFIELD
P.O. Box 3234
Sedona, AZ 86340-3234

and

NORMA PATRICIA REARDON
AV Circunvalacion 1286
Guadalajara Jalisco
Mexico CP 44350

Defendants.

C.A. No. _____

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**COMPLAINT FOR INTERPLEADER
PURSUANT TO 28 U.S.C. § 1335**

Plaintiff, Minnesota Life Insurance Company ("Minnesota Life"), as the issuer of a group life insurance policy through the Virginia Retirement System (the "VRS"), and furthermore as the custodian of life insurance proceeds related to Policy #29413, Claim #662-651, deceased Thomas A. Reardon, Social Security # REDACTED . complains as follows:

1. Minnesota Life provides life insurance coverage to members of the VRS through a group life insurance plan (the "Plan") administered by the VRS.
2. Thomas A. Reardon ("Decedent") was a member of the VRS until his death and was provided a death benefit of \$58,000 under the Plan. After payments due to VRS of

\$1,232.33, the rightful beneficiary of Decedent under the Plan is entitled to a payment of \$56,768.00 (the "Insurance Proceeds").

3. Defendant Laura Reardon Green is the sister of the Decedent. Ms. Green is an adult individual who lives at 233 Champlain Avenue, Wilmington, DE 19804. Ms. Green makes claim for the Insurance Proceeds.

4. Defendant Shirley Mansfield is the ex-wife of the Decedent. Ms. Mansfield is an adult individual who maintains a mailing address of P.O. Box 3234, Sedona, AZ 86340-3234. Ms. Mansfield makes claim for the Insurance Proceeds.

5. Defendant Norma Patricia Reardon was the wife of Decedent at the time of his death. Ms. Reardon is an adult individual who lives at AV Circunvalacion 1286, Guadalajara Jalisco, Mexico CP 44350. Ms. Reardon makes claim for the Insurance Proceeds.

Jurisdiction and Venue

6. Simultaneous with the filing of this Complaint, Plaintiff has presented a motion to deposit the Insurance Proceeds with the registry of the Court.

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1335. Venue is proper in this district in accordance with 18 U.S.C. § 1397.

Background

8. On December 24, 2003, Decedent passed away.

9. A beneficiary designation form relating to the Insurance Proceeds dated July 6, 1987 listed "Shirley Reardon," Decedent's wife at that time and Defendant Shirley Mansfield herein, as primary beneficiary. "Laura Reardon," Decedent's sister and Defendant Laura Reardon Green herein, was listed as the contingent beneficiary. (Attached hereto as Exhibit "A" is the beneficiary designation).

10. On November 9, 1998, the Circuit Court of the City of Virginia Beach, Virginia issued a final divorce decree of Thomas Reardon and Shirley Reardon, Defendant Shirley Mansfield herein. (Attached hereto as Exhibit "B" is the final divorce decree.)

11. Code of Virginia Statute 20-111-1 provides that:

[U]pon the entry of a decree of annulment or divorce from the bond of matrimony on and after July 1, 1993, any revocable beneficiary designation contained in a then-existing written contract owned by one party that provides for the payment of any death benefit to the other party is revoked. A death benefit prevented from passing to a former spouse by this section shall be paid as if the former spouse had predeceased the decedent.

Nature of this Dispute

12. Plaintiff, in its attempts to identify the rightful beneficiary entitled to the Insurance Proceeds, has been informed by Defendants that each believes that they are entitled to at least part of the Insurance Proceeds.

13. Additionally, each party has threatened to contest any payment made that would exclude a payment to them.

14. Plaintiff has no claim and no interest in the Insurance Proceeds and has, at all times, been willing to pay the Insurance Proceeds to the person entitled to the Insurance Proceeds. However, Plaintiff cannot faithfully pay the Insurance Proceeds to any of the Defendants without an adjudication by this Court or a binding arbitration of the respective rights of the Defendants.

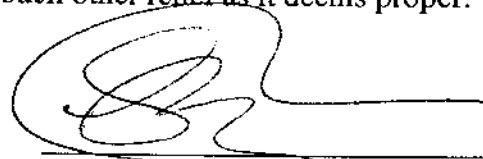
15. For the foregoing reasons, Plaintiff requests judgment providing the following relief:

- a) Defendants be required to interplead in this cause and to settle their respective claims to the Insurance Proceeds now in possession of the Court;
- b) Defendants be restrained from commencing in any Court any action against Plaintiff where any of them seek to recover the

Insurance Proceeds or any part thereof or to recover from Plaintiff any damage from the Plaintiff's failure to deliver the Insurance Proceeds to any of the Defendants;

- c) Plaintiff be forever released and discharged from all liability to Defendants in this cause on account of the matters relating to this cause; and
- d) The Court grant such other relief as it deems proper.

Dated: August 30, 2005



Sean J. Bellew (#4072)
David A. Felice (# 4090)
Cozen O'Connor
1201 North Market Street, Suite 1400
Wilmington, DE 19801
Telephone: (302) 295-2000
Facsimile: (302) 295-2013
Attorneys for Plaintiff

EXHIBIT “A”

[illegible]

EDIFICATORY DISPOSITION OF ACCUMULATED RETIREMENT CONTRIBUTIONS: I do hereby make of present qualifications of beneficiary of the accumulated retirement contributions, if any, and do hereby designate the following as beneficiary of the accumulated retirement contributions to my credit in the retirement plan, in the event of my death or after my retirement on a retirement allowance.

Notes: If you include your wife, husband, mother or father as a primary beneficiary and you die while in active service, after reaching age 55 with 5 years of service, or the 20 or 30 years of service, that person will receive a monthly benefit or may elect a lump sum of all of your contributions. If death is work-related, a monthly benefit will be paid to the widow or widower, or dependent children. All benefits are governed by and subject to the Virginia Supplemental Retirement Act (Title 51, Code of Virginia).

32. Beneficiary is: <input type="checkbox"/> Individual <input type="checkbox"/> Other	33. Beneficiary (Last Name or Organization) <u>Reardon</u>	34. First Name <u>Shirley</u>	35. Middle Name <u>Ann</u>
36. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	37. Birth Date mo. day year <u>1 1 1928</u>	38. Relationship to Member <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Other	39. Type of Plan <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other
40. Period of Designation Due to beneficiary <u>1988</u>	41. Beneficiary Address (Street) <u>2023 Spring Street</u>	42. City <u>Richmond</u>	43. State <u>VA</u>
44. Beneficiary is: <input type="checkbox"/> Individual <input type="checkbox"/> Other	45. Beneficiary Last Name or Organization <u>Reardon</u>	46. First Name <u>John</u>	47. Middle Name <u>Paul</u>
48. Sex <input type="checkbox"/> M <input checked="" type="checkbox"/> F	49. Birth Date mo. day year <u>1 15 1928</u>	50. Relationship to Member <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Other	51. Type of Plan <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Other
52. Period of Designation Due to beneficiary <u>1988</u>	53. Beneficiary Address (Street) <u>1515 Oak Brook Court</u>	54. City <u>Richmond</u>	55. State <u>VA</u>
Special Intervenor:			
<u>William H. Hester, 1988</u>			

I hereby direct that should I survive the above-mentioned beneficiary(ies), any amount(s) taken collection as would have been payable to each beneficiary(ies) shall be paid to my estate or to my other beneficiary(ies) as I shall hereafter designate by will or designation that with the consent of Trustees in compliance with the rules and regulations of the plan. The right to change the beneficiary(ies) designated without the consent of said beneficiary(ies) is reserved. (Previous holding a Power of Attorney may not make or change a designation of beneficiary unless specifically authorized to do so by court action).

46. Member's Signature
[Signature]

47. Date
10/17/87

48. Date
10/17/87

THE FOLLOWING CERTIFICATE MUST BE EXECUTED BY A NOTARY PUBLIC ON OTHER COUNTY OFFICIALS.
AUTHORIZED TO TAKE ACKNOWLEDGEMENTS.

State of Virginia, City/County of Virginia Beach on 07 06 1987
wherein John Paul Reardon do hereby certify that the foregoing beneficiary, previously appeared before me, acknowledged the foregoing signature to be his, said having been duly sworn by me, made oath that the statements made to the said beneficiary are true.

My Commission expires January 22, 1988 Ray A. Evers
Notary Public

EXHIBIT “B”

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

SHIRLEY E. REARDON

Complainant

vs.

CHANCERY NO. 98-2774.

THOMAS A. REARDON,

Defendant

FINAL DECREE OF DIVORCE

This cause came to be heard upon the Complainant's Bill of Complaint and the return of service upon Defendant; and other pleading upon entry of a Decree of Reference referring this matter to a Commissioner in Chancery upon a hearing ore tenus, duly taken before William B. Smith, Commissioner in Chancery.

Upon Consideration Whereof, it appearing to the Court independently of the admissions of either party in the pleading or otherwise, the Complainant and Defendant were lawfully married on October 3, 1980, in Virginia Beach, VA ; that no children were born of the parties during the marriage; That the parties last cohabitated in the City of Virginia Beach, Virginia; that the Defendant is not a member of the Armed Forces of the United States; that on the date this suit was filed, both parties were domiciled in and were then and had been actual bona fide residents of the State of Virginia for more than six (6) months preceding the commencement of this suit; that both parties are sui juris and neither were incarcerated in a mental or penal institution during the pendency of this suit; that the parties have lived separate and apart since May, 1997, without any interruption and without cohabitation, a period of more than one(1) year, it is therefore

ADJUDGED, ORDERED, AND DECREED the Report of the Commissioner in Chancery be and the same is hereby confirmed; and it is further

ADJUDGED, ORDERED, AND DECREED, that the Complainant be, and she is

hereby granted a divorce A VINCULO MATRIMONII from the Defendant, based upon the fact that the parties have lived separate and apart without cohabitation and without interruption for more than one (1) year, pursuant to Virginia Code Section 20-91 (9) (a); and it is further

ADJUDGED, ORDERED, AND DECREED, that spousal support shall be denied to both parties.

ADJUDGED, ORDERED, AND DECREED, that there will be no provisions made for Complainant's health care.

ADJUDGED, ORDERED AND DECREED, that neither side shall pay the other's attorney's fees.

ADJUDGED, ORDERED AND DECREED, that Complainant's maiden named be restored to her - **SHIRLEY ELIZABETH MANSFIELD**.

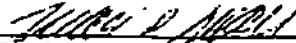
The name, date of birth and Social Security Number of the Complainant is: Shirley E. Reardon, born January 9, 1945, Social Security # REDACTED . Her current mailing and residential address is: 2264 Indian River Road, Virginia Beach, VA 23456.

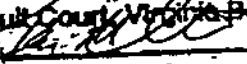
The name, date of birth and Social Security Number of the Defendant is: Thomas A. Reardon, born October 16, 1956, Social Security # REDACTED His current mailing and residential address is: 47 E. Mill Run, Milton, DE, 19968-9309

And there being nothing further remaining to be done in this matter, it is **ORDERED** that this matter be stricken from the docket and placed among the ended causes.

ENTER: 

I ASK FOR THIS:


Rodney D. Malouf, Esquire
sgreardon.dcr

11/19/05
Certified to be a TRUE COPY
of record in my custody.
J. Curtis Enk, Clerk
Circuit Court, Virginia Beach, VA
BY 
Deputy Clerk